

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 4:16cr16
)	
EDWARD JOSEPH MATISH, III)	

**DEFENDANT’S UNOPPOSED MOTION FOR LEAVE TO SUBMIT EXPERT
DECLARATION RELEVANT TO MOTION TO COMEL DISCOVERY**

Edward Matish, III, through counsel, respectfully requests that the Court accept the attached Declaration of Dr. Christopher Soghoian as evidence in support of Defendant’s Motion to Compel Discovery, ECF No. 37. The government does not oppose this request.

* * *

On May 6, 2016, the defense filed a Motion to Compel Discovery. (ECF No. 37.) This Motion asked the Court to order the government to produce all components of the NIT that the FBI used to remotely search Mr. Matish’s computer. The government filed its response on May 17, 2016. (ECF No. 56.) The defense filed a timely reply on May 23, 2016. (ECF No. 60.) Various declarations and exhibits were submitted with each of these filings to establish facts relevant to the question before the Court.

On May 25, 2016, the government requested leave for additional time to file a sur-reply. (ECF No. 64.) At a motions hearing on May 26, 2016, the defense stated that it did not oppose the government’s request for leave to file a sur-reply and the Court granted the government’s request. On June 1, 2016, the government filed a sur-reply and two additional declarations. (ECF No. 74.)

Here, the defense does not request additional legal briefing, but does ask the Court to accept the attached declaration of Dr. Christopher Soghoian. Dr. Soghoian's declaration addresses facts raised in the government's most recent declarations. The government does not to oppose the Court's acceptance of the Soghoian Declaration. Accordingly, the defense respectfully requests that the Court accept the Soghoian Declaration as evidence in support of the pending defense Motion to Compel Discovery, ECF No. 37.

Respectfully submitted,

EDWARD JOSEPH MATISH, III

By: _____/s/ _____

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CERTIFICATE OF SERVICE

I certify that on the 10th day of June, 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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